

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1625 OF 2016**

Ram Bhagwan Bharti @ Dada Gosawi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Atul G. Damle I/b Mr. Sagar Joshi for the Applicant

Mr. R. M. Pethe, A.P.P for the Respondent-State

PSI Mr. H. A. Shaikh from Bhiwandi City Police Station, Thane, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 7th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-214 of 2016 registered with the Bhiwandi Police Station, Thane, for the alleged offences punishable under Sections 295(A) of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the alleged message was not sent by the applicant to the complainant, but was sent to

his brother. He submits that the social media account of the applicant was tampered with by somebody, pursuant to which, the message went to the complainant. He states that the applicant was protected by an interim order dated 21st November, 2016.

4. Learned A.P.P has tendered the report of the Director of Forensic Science Laboratory. The said report is taken on record. As per the report, after analysing the mobile phone of the applicant, it was revealed that the face-book post mentioned in the forwarding letter was not found in the mobile phone of the applicant. It appears, that the applicant has also handed over his Sim card to the police on 26th July, 2017 and the same is forwarded to the Forensic Laboratory and that the report is awaited.

5. Be that as it may, in the facts of the case, custodial interrogation of the applicant is not required. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on

bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two local solvent sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months, whichever is earlier;

(iii) The applicant shall not tamper with the evidence or attempt to contact or influence the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial.

6. The application is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.